

BOARD OF TRUSTEES MEETING MINUTES
INC. VILLAGE OF WESTBURY
VILLAGE HALL CONFERENCE & BOARD ROOM
THURSDAY, AUGUST 3, 2023
6:30 P.M.

Present: Mayor Peter I. Cavallaro
Trustee Steven L. Corte
Trustee Beaumont A. Jefferson
Trustee William B. Wise

Excused: Trustee Vincent Abbatiello

Staff present: Chrissy Kiernan, Village Clerk-Treasurer
Anna Vikse, Village Attorney
Joe Brilliantino, Superintendent of Buildings
Pasquale Iannucci, Supt. of Dept. of Public Works

Mayor Cavallaro opened the Meeting of the Board of Trustees at approximately 6:30PM with a verification of a quorum.

1. Resolution to Approve Board of Trustees Meeting Minutes of July 20, 2023

On motion by Trustee Corte, seconded by Trustee Jefferson, it was RESOLVED to approve the Work Session/Regular Meeting Minutes of July 20, 2023 as prepared and distributed by Clerk-Treasurer Kiernan. The Board was polled, all present voting "Aye" (4-0).

Mayor Peter I. Cavallaro	Aye	
Trustee Steven Corte	Aye	
Trustee Beaumont Jefferson	Aye	
Trustee William Wise	Aye	
Trustee Vincent Abbatiello		Excused

2. Resolution to Appoint Nikko Clyburn, Laborer

On motion by Trustee Wise, seconded by Trustee Jefferson, it was RESOLVED to appoint Nikko Clyburn as a full-time Laborer with a 6-month probationary period at starting salary of \$37,919.34. The Board was polled, all present voting "Aye" (4-0).

Mayor Peter I. Cavallaro	Aye	
Trustee Steven Corte	Aye	
Trustee Beaumont Jefferson	Aye	
Trustee William Wise	Aye	
Trustee Vincent Abbatiello		Excused

3. Discuss Use of Recreation Baseball Field

The Board discussed use of the recreation baseball field and reviewed safety measures that required action by the Village from a report provided by the Village's risk control manager as appointed by the Village's liability insurance carrier NYMIR. It was decided to open permitting of the field for the fall after the Village is expected to have all safety measures remediated, with the intended date of opening of September 1, 2023.

4. Discuss Building Dept. Observations of Parking on Lafayette Street

Joe Brilliantino reported that Sr. Building Inspector Bill Mello went to the site on multiple days and took observations about the cars parked there. He did not observe that cars parked there for multiple hours or repeatedly throughout the week, indicating that it is unlikely that the parked vehicles are commuters, but are probably customers of local businesses. The Board discussed the matter and determined that no action needs to be taken.

5. Discuss Resident Complaint regarding Parking on Myrtle Avenue

The Board discussed a resident complaint regarding parking on Myrtle Avenue. No action was taken.

6. Discussion of Bill 7 of 2023

The Board reviewed Bill 7, which is set for public hearing this evening, which proposes an all way stop signs be installed at the intersection of Drexel Avenue and Sylvan Lane. Board members expressed concern that there would be too many stop signs within a short distance.

7. Discussion of Bill 6 of 2023

Mayor Cavallaro asked if any Board Members had any questions or concerns with Bill 6 of 2023 slated for public hearing this evening, which has been reviewed extensively at previous meetings. No one had any comment.

8. Discuss Westbury Fire Dept. Request to eliminate parking on the east side of Linden Street between Madison and Maple Avenues

Mayor Cavallaro discussed with the Board a letter received from the Westbury Fire Department requesting elimination of on-street parking on the east side of Linden Street between Madison and Maple Avenues. No action was taken.

9. Tax Certiorari - Family Realty

Attorney Vikse presented a resolution for the settlement of a tax certiorari lawsuit for Family Realty, at 172 School Street. Trustee Corte explained that Family Realty's first year of filing corresponds with the Village's reevaluation in 2010. The large, proposed refund is a result of the long period of filing without settlement/trial. There were also physical changes to the property as a result of the MTA's Third Track project that had to be accounted for.

The following Resolution was offered by Trustee Corte:

RESOLVED, by the Board of trustees of the Incorporated Village of Westbury, to approve the following tax certiorari settlement:

Petitioner, Family Realty Company, has brought proceedings to review the Village's real property tax assessments for the years 2010/11 through 2023/24 at the property known as 172 School Street, Westbury, NY 11590 (s/b/l 10/229/28,29), which will be settled for a refund of \$135,500, with a change in assessment from \$6,035,200 to 4,200,000, to be split as follows:

Lot 28	\$3,697,410
Lot 29	\$502,590

Payment shall be paid in equal installments, the particulars of which payment schedule shall be apportioned at the discretion of the Village Clerk/Treasurer and Assessor.

Motion to adopt the foregoing Resolution was seconded by Trustee Wise, and the roll call for adoption resulted in the following:

Mayor Peter I. Cavallaro	Aye	
Trustee Steven Corte	Aye	
Trustee Beaumont Jefferson	Aye	
Trustee William Wise	Aye	
Trustee Vincent Abbatiello		Excused

10. IT Committee Update

Clerk-Treasurer Kiernan gave an update on the IT Committee. The IT Committee met twice to discuss several possible IT upgrades for the village including financial and tax software, building department permitting and code enforcement software, and automating parking tickets.

11. Update on TOD Make-Whole Payment Tracking, billing, collection etc. system/process

Village Attorney Vikse reported that she, the Assessor, the Clerk-Treasurer, and the Deputy Clerk-Treasurer had met to determine how to best keep track of make-whole payments. A spreadsheet with all the properties with make-whole payments has been developed, which will last the length of the PILOT payments. They will need to be updated each year with the tax rate. Once each year, at tax time, the staff will send out a bill to property owners who have a make-whole agreement. The payments will be entered into the spreadsheet. Deputy Clerk/Treasurer Cesare is going to see if the Village's financial software can incorporate these payments, so that it will be easier to keep track of payments and the money owed.

12. Pledge of Allegiance – Trustee Jefferson led the Pledge of Allegiance.

13. Public Hearing – Bill 6 of 2023

Mayor Cavallaro asked the Clerk to read the legal notice aloud for Bill 6 of 2023. Clerk-Treasurer Kiernan read the following notice aloud:

Notice is hereby given that the Board of Trustees of the Inc. Village of Westbury will hold a Public Hearing at the Village Hall, 235 Lincoln Place, Westbury, New York, on Thursday, August 3, 2023, at 7:30 p.m. The Board will consider a proposed local law to amend Chapter 211 of the Village Code, Solid Waste. At the hearing, all interested persons will be given an opportunity to be heard.

Village Attorney Vikse summarized the code changes.

Mayor Cavallaro explained that the entire code is being updated as the original code dates back to 1965.

Deputy Superintendent of Public Works, Pasquale Iannucci, explained that in the past couple of years, sanitation staff have noticed that residents are moving toward purchasing larger garbage cans that are larger than 45 gallons and are designed for mechanical pick-up. The standard size is from 32 to 45 gallons, which is a safer weight for sanitation workers to lift.

Mayor Cavallaro noted that the Village is codifying its existing practice and modernizing and reoriented the way things are done. The local law would become effective on December 1st to give our residents an opportunity to make changes if necessary. Most residents use cans that are likely acceptable going forward. Mayor Cavallaro added that the mechanical type garbage cans create a dangerous and arduous situation for the garbage workers. By limiting the size, it makes it safer for them and complies with public employee health and safety standards. The Village intends on doing a public information effort through mailings to get the message out and highlight the changes. Our upcoming newsletter will also include this and future social media posts. Mayor Cavallaro noted that Village staff has been working on the proposed code for several months.

Mayor Cavallaro then opened up the public hearing to public comment.

Resident Delphine Way, 543 Queen Street, asked if it is okay to have larger cans if they have bags in them. Dept. Supt. Iannucci explained that the can would still need to be no more than 45 gallons in size.

Mayor Cavallaro then asked if anyone else would like to speak and hearing no further comment, he asked for a motion to have the Board declare a negative declaration under SEQRA. On motion by Trustee Jefferson, seconded by Trustee Corte, it was RESOLVED to establish the Board of Trustees as lead agency and issue a negative declaration under SEQRA. The Board was polled, all present voting "Aye" (4-0).

Mayor Peter I. Cavallaro	Aye	
Trustee Steven Corte	Aye	
Trustee Beaumont Jefferson	Aye	
Trustee William Wise	Aye	
Trustee Vincent Abbatiello		Excused

Mayor Cavallaro then asked for a motion to close the public hearing. On motion by Trustee Jefferson, seconded by Trustee Corte, it was RESOLVED to close the public hearing for bill 6 of 2023. The Board was polled, all present voting “Aye” (4-0).

Mayor Peter I. Cavallaro	Aye	
Trustee Steven Corte	Aye	
Trustee Beaumont Jefferson	Aye	
Trustee William Wise	Aye	
Trustee Vincent Abbatiello		Excused

14. Resolution to Adopt Bill 6 of 2023 as Local Law 8 of 2023

On motion, by Trustee Jefferson, seconded by Trustee Corte, it was RESOLVED to adopt bill 6 of 2023 as local law 8 of 2023 with an effective date of December 1, 2023. The Board was polled, all present voting “Aye” (4-0).

Mayor Peter I. Cavallaro	Aye	
Trustee Steven Corte	Aye	
Trustee Beaumont Jefferson	Aye	
Trustee William Wise	Aye	
Trustee Vincent Abbatiello		Excused

15. Public Hearing Bill 7 of 2023

Mayor Cavallaro asked the Village Clerk to read the legal notice aloud for bill 7 of 2023. Village Clerk-Treasurer read the following notice aloud:

Notice is hereby given that the Board of Trustees of the Inc. Village of Westbury will hold a Public Hearing at the Village Hall, 235 Lincoln Place, Westbury, New York, on Thursday, August 3, 2023, at 7:30 p.m. The Board will consider a proposed local law to amend Chapter 237-74 of the Village Code, which will introduce new stop signs. At the hearing, all interested persons will be given an opportunity to be heard.

Mayor Cavallaro reported that the Village received a resident letter from a Mr. Syed dated June 7, 2023, Exhibit #1, requesting that the Board consider placing all-way stop signs at the corner of Drexel Avenue and Sylvan Lane. In response to the letter, the Board asked for a traffic report from the Nassau County Police Department. The Village received a report printed on

July 18, 2023, Exhibit #2, which identified all accidents within a five year period. Two accidents were listed on the report at that intersection. Trustee Corte also provided the Board with a diagram of the intersection, Exhibit #3.

The Board then discussed the bill. Trustee Jefferson and Trustee Corte noted that they believe the real concern is parking enforcement on the north side of Drexel Avenue 20 feet east from the northwest corner of Sylvan Lane and Drexel Avenue, where there are many vehicles illegally parked within twenty feet of the intersection, creating line of sight issues for motorists seeking to make a right hand turn onto Drexel from Sylvan Lane. Mayor Cavallaro expressed a similar sentiment. Mayor Cavallaro asked Trustee Wise what he thought about the situation which was also recorded on the official transcript.

Mayor Cavallaro then opened the public hearing to public comment and hearing none asked for a motion to close the public hearing. On motion by Trustee Jefferson, seconded by Trustee Wise, it was RESOLVED to close the public hearing for bill 7 of 2023. The Board was polled, all present voting "Aye" (4-0).

Mayor Peter I. Cavallaro	Aye	
Trustee Steven Corte	Aye	
Trustee Beaumont Jefferson	Aye	
Trustee William Wise	Aye	
Trustee Vincent Abbatiello		Excused

16. Resolution to Not Adopt Bill 7 of 2023

On motion by Trustee Corte, seconded by Trustee Jefferson, it was RESOLVED to not adopt bill 7 of 2023, rejecting placement of a stop sign. The Board was polled, all present voting "Aye" (4-0).

Mayor Peter I. Cavallaro	Aye	
Trustee Steven Corte	Aye	
Trustee Beaumont Jefferson	Aye	
Trustee William Wise	Aye	
Trustee Vincent Abbatiello		Excused

The Board provided instructions to the Department of Public Works to place a "no parking" sign 20 feet from the corner and the Building Department will be responsible for enforcement of the parking at Sylvan Lane and Drexel Avenue. No local law or resolution is needed for this action, since the vehicle and traffic law already prohibits parking within twenty feet of an intersection.

17. Board Liaison/Committee Reports

- A. Trustee Steven Corte reported that now is the beginning of “exemption season” and that renewals for the senior exemption will be sent now. Residents have until January 2, 2024 to file an exemption.

The Senior Citizens of Westbury will host a second bazaar for fundraising on October 21, 2023 at 360 Post Avenue, the community center, as well as in the gymnasium at 346 Post Avenue across the parking lot. Trustee Corte asked that residents please do their best to support it.

Trustee Corter further reported that he, the senior center director, and board chairman have met with a travel agent to plan a trip as a fundraiser to Jerusalem on October 28, 2023 which will be open to anyone wishing to take the trip. More details will follow.

- B. Trustee Beaumont Jefferson stated that Paige Patterson was performing 70’s rock and classic soul tonight in the Piazza as part of the Westbury Arts concern series.

This coming Sunday, the Westbury Arts Council building will host a forest of healing trees exhibition between 2pm and 4pm. There are four concerts left in the concert series which will be the rest of this month on Thursday. On September 8th, there will be the 12th annual Westbury Shorts Film Festival in the Piazza. The day after, September 9th, is the BID Street Fair.

The Village and the Westbury Arts Summer Recreation Program is in the 5th week with one more week left as next Friday is the closing ceremony. It was a very successful program.

Trustee Jefferson also noted that while not on village property, newly renovated tennis courts are open at the middle school which opened on July 24, 2023.

- C. Mayor Cavallaro reported that Trustee Abbatiello, the Village’s Claims Auditor, had reviewed the claims for the period July 7, 2023 through August 3, 2023 prior to the meeting and has submitted them for payment in the amount of \$864,160.00 of which, \$446,290.85 is from Capital Expenses and \$417,869.15 is from the General Fund. Trustee Jefferson made a motion to submit bills for payment, seconded by Trustee Corte. Motion to approve was passed; The Board was polled, all present voting “Aye” (4-0).

Mayor Peter I. Cavallaro	Aye	
Trustee Steven Corte	Aye	
Trustee Beaumont Jefferson	Aye	
Trustee William Wise	Aye	
Trustee Vincent Abbatiello		Excused

D. Trustee William Wise reported that he does not have any new Nassau County Police reports to share.

E. Mayor's Report

Mayor Cavallaro observed that the music from the Westbury Arts Summer Concert series which could be heard in the Village Board room sounds good. He further shared that there is a lot going on in September as the Village is winding up a lot of things and putting out information including a ribbon cutting for the DRI project with the Secretary of State on September 13, 2023. On September 28th, the Village is hosting a meet and greet with the young artist who designed the art glass with Village of Westbury motifs and historical references. The artist did a lot of research about our community.

The Farmer's Market is every Saturday in the Piazza. It is a great opportunity for youth to be employed, develop skills, and learn business. The market is run by Traicy Caines who also has a location in the New Cassel area.

The Village's DRI projects are coming to completion. Starting in the fall, the \$7M streetscape project on Union and Maple Avenues from Post Avenue to Brush Hollow Road funded by a grant from Legislator Siela Bynoe will commence. The project will invest money into roads we haven't really invested in before. A very long stretch of roadway is included with the same traffic calming and aesthetic improvements that we did on Post Avenue. The goal is to create more cohesiveness with the downtown by extending it. It will include new pavers, crosswalks, improving accessibility for Village residents for services. After the Village finishes these physical improvements, we will focus on several IT projects to upgrade our systems to enhance overall services.

F. Public Comments-

Byron Campbell inquired about people loitering near the Rite Aide/Village Piazza. Mayor Cavallaro responded that if anyone is caught by a Nassau County Police officer doing anything illegal, then they are arrested or receive a summons. Mayor Cavallaro added that you cannot drink, harass, or urinate at that location and that the police must enforce the laws as we can't physically do it ourselves, since the Village does not have a police department. Noting that the Village is aware that as summer progresses it will become more of an issue.

Mr. Campbell inquired as to overnight parking on Sherwood, observing that after 2am, cars are parked. Mayor Cavallaro responded that we have parking enforcement some nights a week including Friday until 3am. Building Superintendent Joseph Brilliantino added that code enforcement is working on Monday, Wednesday, and Saturday evenings from 10pm to 2am; Friday from 10pm to 3am. Mayor Cavallaro added that no village has 24-hour code enforcement.

Mr. Campbell inquired as to parking on the sidewalk by the 7/11 on Powells Lane. Mayor Cavallaro responded that the Village has asked the police department to address this on multiple occasions and unfortunately the police won't have someone 24/7, but we will ask for spot enforcement once again. Mr. Campbell reported that there are commercial vehicles parked every night at 62 and 63 Waterbury. Building Superintendent Brillantino responded that those properties received notices of violation and are going through the enforcement process. Mr. Campbell commented on 513 Alicia Drive, where there is a vehicle with no plates, and 806 pepperidge, where residents are parking on the grass so often that the grass is worn out. In addition, he reported that 21 Northcote Road has a home with a tattered roof tarp that looks like rags. Pepperidge Road (near Sudbury) on both sides of the street has potholes on each side. In addition, Post Avenue has a gap in the road by the shoulder, near Jericho Turnpike. Mayor Cavallaro responded that starting in the spring, New York State, which is responsible for Jericho Turnpike because it is a state roadway, will be repairing the road from Carle Road to Brush Hollow Road. Mr. Campbell also inquired as to trash dumping at the fencing along parkway. He asked if the Village could ask the state to put a taller fence up to prevent this from happening. Mr. Campbell observed a streetlight out at 9 Northcote Road, to which Deputy Superintendent of DPW Iannucci responded that they are aware of the problem, and that our street lighting maintenance contractors are repairing the problem.

Chester McGibbon asked in terms of safety reports, incidents, and crime, if the Village depends on the third precinct reports. Mayor Cavallaro explained that the Village does not receive a report on every incident in the Village. Regarding the alleged gang shooting late last month, Trustee Jefferson phoned the third precinct for information which is generally not volunteered by the police department as they do not have the manpower to reach out to the Village every time there is an incident. The reports received are not always inclusive and the Village has asked the commanding officer to look into that.

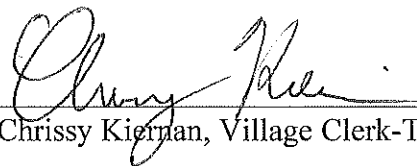
Delphine Way, 534 Queen Street commented that there was a person sleeping on the sidewalk outside her home. She did not want to approach the person, but rather called the third precinct who arrived ten minutes later, but the person was gone. Mayor Cavallaro commented that calling the police was the right thing to do as it's the safest approach. The police department is equipped to contact county social services or to get individuals in touch with social service agencies or food banks, for issues such as food insecurity. The Village does not provide those services as it is beyond the scope of what the Village can do.

There was also an inquiry as to whether we can request that funeral processions move from Queen Street. Mayor Cavallaro responded that we cannot force someone off a public street, but we can speak to the cemetery who can speak with its funeral directors that go there to choose different paths.

A resident asked if there was a reason why we can't put additional "no commercial" vehicles on Jericho and Union Avenue at Cambridge Road. Deputy Supt. Iannucci said he would address that.

Ray Muntz asked about recreational cannabis sales on Post Avenue. Mayor Cavallaro responded that we do not permit those sales and are monitoring businesses along with the Nassau County Police Department. Building Superintendent Brilliantino added that two smoke shops received violations for operating after 10pm and that his department is staying on top of the issue.

On a motion by Mayor Cavallaro, duly seconded, the Meeting was adjourned at 8:52 p.m.

Submitted by: 
Chrissy Kiernan, Village Clerk-Treasurer